

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WENDELL COLEMAN,

Plaintiff,

v.

FERNANDEZ, et al.,

Defendants.

Case No. [21-cv-00539-SI](#) (pr)

**ORDER OF DISMISSAL**

Re: Dkt. Nos. 3, 6

On February 11, 2021, the court ordered Wendell Coleman to show cause why this action should not be dismissed under 28 U.S.C. § 1915(g). That section provides that a prisoner may not bring a civil action *in forma pauperis* under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

The order to show cause identified three prior dismissals that appeared to count as qualifying dismissals under § 1915(g), stated that Coleman did not appear to be under imminent danger of serious physical injury when he filed the complaint, and ordered Coleman to show cause why pauper status should not be denied and the action should not be dismissed. Docket No. 5. The order to show cause further stated that Coleman also could avoid dismissal by paying the filing fee by the deadline.

Even after being granted four extensions of time to file a response to the order to show cause or to pay the full filing fee, *see* Docket Nos. 9, 14, 16, 20, Coleman has done neither. And the final deadline to do so has passed.

Each of the three earlier dismissals identified in the order to show cause counts as a dismissal for § 1915(g) purposes. Coleman has not paid the filing fee, has not shown that any of the prior dismissals should not be counted under § 1915(g), did not appear to be in imminent danger of serious physical injury at the time he filed his complaint, and does not otherwise show cause why this action could not be dismissed. For the foregoing reasons, Coleman's *in forma pauperis* applications are DENIED. Docket Nos. 3, 6. This action is DISMISSED for failure to pay the filing fee. The dismissal is without prejudice to Coleman asserting his claims in a new complaint for which he pays the full filing fee at the time he files that action.

The clerk shall close the file.

**IT IS SO ORDERED.**

Dated: December 16, 2021



---

SUSAN ILLSTON  
United States District Judge